



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,356	04/26/2000	Stephen Dale Messer	1776-001B	9673

9629 7590 02/13/2004

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,356

Applicant(s)

MESSER, STEPHEN DALE

Examiner

Pierre E. Elisca

Art Unit

3621

MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3621

DETAILED ACTION

1. This Office action is in response to Applicant's amendment, filed on 11/26/2003.
2. Claims 1 and 3-43 are pending.

CLAIM REJECTION 35 USC 103 (a)

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 3-43 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Levergood et al. (U.S. Pat. No. 5,708,780). In view of Barr et al (U.S. pat. No. 5,873,076).

As per claims 1, 3, 4, 6-43 Levergood substantially discloses a method/system for controlling and monitoring access to network servers see., abstract which is equivalent to Applicant's claimed invention wherein it is stated that a data processing for supporting web based commerce and commission tracking on a multi-node network), comprising:

Art Unit: 3621

a plurality of web pages within the multi-node network, wherein each of the plurality of web pages displays at least one on-line content (see., col 1, lines 50-67, col 2, lines 1-55, specifically wherein said company may want to provide highly specific service tips over its internet server only to customers having service contracts or accounts , and also col 3, lines 56-67, col 4, lines 1-31);

a storage component for storing information related to products or services promoted or to be promoted on one or more of each of the plurality of web pages (see., col 2, lines 56-67, figs 1 and 2A);

web access for selectively downloading plurality of web pages (see., Levergood in the abstract, specifically wherein it is stated that the hypertext environment, a client views a document transmitted by a content server with a standard program known as the browser. Each hypertext document or page contains links to other hypertext pages which the user may select to. A user is provided with a session identification which allows the user to access to the requested file or page. Applicant should duly note that the process of viewing a document or page and identifying the user to access the requested or page is readable as the step of downloading a page, since when viewing a page, a user can also download the viewing page and determining whether the content thereon is appropriated for products promoted or advertisements on said web pages see., col 5, lines 17-41, col 7, lines 22-48. Levergood further discloses a plurality of client/servers which can also be a clearhouse server or merchant sites and the step of displaying promotions is disclosed in col 5, lines 17-41. Applicant's newly added limitations "wherein the code includes a comparison mechanism for determining if the

Art Unit: 3621

content includes terms that are antithetical to products promoted or to be promoted on said web page" see., abstract, specifically wherein it is stated that the server subjects the request to a secondary server which determines whether the client has an authorization or valid account. Upon such verification, the user is provided with a session identification which allows the user to access to the requested file.

It is to be noted that Levergood fails to explicitly disclose wherein said analyzing and scanning web page. However, Barr discloses a query server 116 that scans its document index database 117 based on the user's search query and a plurality of session managers 130, each of which is responsible for monitoring or analyzing a single active user session (see., col 12, lines 46-53, col 20, lines 25-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the internet server of Levergood by including the limitation detailed above as taught by Barr because this would judge and categorize the subject of each document.

As per claim 5, Levergood discloses the claimed limitations of programming on said merchant site for sending a file to said Clearinghouse server comprising information on commerce at said Merchant site (see., col 5, lines 17-41, please note that client/servers which can also be a clearhouse server or merchant sites).

RESPONSE TO ARGUMENTS

Art Unit: 3621

5. Applicant's arguments filed on 11/26/2003 have been fully considered but they are moot in view of new ground (s) of rejection. Necessitated by amendment.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

February 11, 2004